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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,343	07/23/2003	Jeffrey A. Frey	POU999041US2	8592

46369 7590 07/18/2006

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EXAMINER
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ZHEN, LI B

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/625,343

Applicant(s)

FREY ET AL.

Examiner

Li B. Zhen

Art Unit

2194

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: n/a.  
Claim(s) objected to: n/a.  
Claim(s) rejected: 1,3-11,13-22 and 24-50.  
Claim(s) withdrawn from consideration: n/a.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: In response to the Final Office Action dated 05/04/2006, applicant argues:

(1) Held does not disclose the requestor and the object are both located in the same address space because the request to the control manager is local, but the object to which the client program seeks access is remote [p. 4, line 19 - p. 5, line 6]; and

(2) The use of the proxy in Thatte is not in a situation where the requestor, local access proxy and object are located in the same address space because the facelets of Thatte are only used in the embodiment where the client component application object and the server component application object are in different apartments [p. 5, lines 7 - 19].

As to argument (1), examiner respectfully disagrees and notes that the object to which the client seeks to access can also be local. For example, Held discloses if the client service control manager determines that the server code needs to execute locally, then the client service control manager communicates directly using local RPC mechanisms with a server executable [col. 10, lines 60 - 67]. When the server code is executed locally, the client program and the server object are both located in the same address space.

In response to argument (2), examiner disagrees and notes that Thatte discloses using facelets when the client component application object and the server component application object are in the same apartment [e.g. In the same apartment case, the facelets and stublets are termed "light-weight; col. 17, lines 36 - col. 18, line 5]. Thatte discloses that in the case where a client component application object is in the same apartment as a server component application object, the object context switcher is a wrapper, which is a light-weight type proxy in the sense that the wrapper does not perform marshaling [col. 13, lines 40 - 63]. On col. 17, lines 35 - 67, Thatte also discloses that in the same apartment case, the facelets and stublets are termed "light-weight," meaning they do not perform marshaling and unmarshaling of call parameters and associated data into an RPC. Wrappers and facelets are different names for the proxy element. Therefore, Thatte discloses using facelets where the client component application object and the server component application object are in the same apartment.

Examiner notes that the amendment to the specification submitted on 06/29/2006 overcomes the object to the specification recited in the Final Office Action dated 05/04/2006.